

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 294 OF 2018

IN

CONTEMPT PETITION NO. 4 OF 2017

IN

WRIT PETITION NO. 859 OF 2016

Shah Mohammed Chaudhary

**...Applicant/
Petitioner**

Versus

Mr. Santosh Kumar Dhonde & Ors.

...Respondents

Mr. Amarendra P. Jha, for the Applicant/Petitioner.

Ms. Vandana Mahadik, for the Respondent-BMC.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 8 August 2018

ORDER :

1. Heard the learned Counsel appearing for the Applicant.

2. The Applicant is the Petitioner in the Contempt Petition No. 4 of 2017, which was disposed of by the order

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dated 16th November 2017 by a Division Bench of this Court. The Division Bench declined to take action under the Contempt of Courts Act, 1971. By this Notice of Motion, the Applicant is seeking a substantive relief including a direction for restoration of water supply. In fact, in the order dated 16th November 2017 while disposing of the Contempt Petition, the Division Bench of this Court observed that if the Applicant is otherwise aggrieved by the disconnection of the water supply, he has other remedies. However, it was observed that the said grievance could not be the subject matter of a Contempt Petition. Therefore, the relief which is sought in this Notice of Motion taken out in the disposed of Contempt Petition cannot be considered on merits in the disposed of Contempt Petition. The remedy of the Applicant is already kept open while disposing of the Contempt Petition.

3. Hence, subject to what is observed above, the Notice of Motion is disposed of.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]